

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Henry P. Vesey,

Plaintiff,

v.

Major Jones, Supt. LCDC; James Metts,
Sheriff of Lexington County Sheriff's
Department; and William Miles, LCDC,
in individual and official capacities,

Defendants.

No. 9:14-cv-2013-RMG

ORDER

This matter comes before the Court on the Report and Recommendation ("R&R") of the Magistrate Judge recommending that Plaintiff's *pro se* action be dismissed because the Plaintiff has failed to comply with the order to advise the Clerk of Court of any change in address and, consequently, neither the Court nor the parties have been able to communicate with him. (Dkt. No. 51). The R & R directed that the Clerk to mail the order to the last known address and, if Plaintiff failed to update his address, recommended that the action be dismissed without prejudice. (Dkt. No. 51 at 2). Plaintiff was further advised that he had a right to file written objections to the R & R within 14 days of service of the R & R and a failure to file written objections could result in limited review by the District Court and a waiver of the right to appeal the judgment of the District Court. (Dkt. No. 51 at 3). Plaintiff filed no timely written objections and did not provide the Clerk his present address.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made.

Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After review of the record and the R&R, the Court finds the Magistrate Judge applied sound legal principles to the facts of this case and therefore agrees with and adopts the R&R as the order of the Court. (Dkt. No. 51). Therefore, this action is dismissed without prejudice.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

March 3, 2015
Charleston, South Carolina